

Examiner-Initiated Interview Summary**Application No.**

10/811,826

Applicant(s)

THEOCHARIDES, THEOCHARIS C.

Examiner

Patricia Leith

Art Unit

1655

All Participants:(1) Patricia Leith(2) David A. Giordano**Status of Application:** after faom

(3) _____

(4) _____

Date of Interview: 1 April 2010**Time:** 10:00 am**Type of Interview:**

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: _____

Part I.**Rejection(s) discussed:**

102(b) over Theocharides.

Claims discussed:

46-51

Prior art documents discussed:

see above

Part II.**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

Discussed the matter pertaining to priority. Indicated to Applicant that it is the opinion of the Examiner that the WO document (id) is still prior art over the pending claims and will be combined with another reference to show that the addition of rutin would have been obvious (see office action attached hereto). Indicated also that this case may be a proper CIP of US 6,984,667 because the '667 was co-pending with this case at the time this case was filed and the specification of '667 is directed toward essentially the same subject matter that this case discloses. However, Applicant's previous petition to perfect priority requested priority to PCT/US02/00467 which was subsequently denied because the PCT was abandoned prior to the filing of this case (see petition decision of 9/21/09). Relayed to the attorney that a modified version of the claims of '667 (e.g., the inclusion of rutin) would be allowable if priority was perfected back to the '667 application. Indicated that the claims of '667 'make obvious' the current claims in view of Double Patenting; and therefore a Terminal Disclaimer would need to be filed over the '667 case (see new Double Patenting rejection in the non-final action accompanying this Interview Summary. Discussed options for filing a new petition for priority.

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Applicant/Applicant's Representative Signature – if appropriate)